

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
Civil Action No.: 3:10-cv-444-RJC-DSC

ANDREA B. CLAY,)
)
Plaintiff,)
)
)
v.)
)
)
MICHAEL J. ASTRUE,)
)
Commissioner of Social Security,)
Defendant.)
)
)
_____)

ORDER

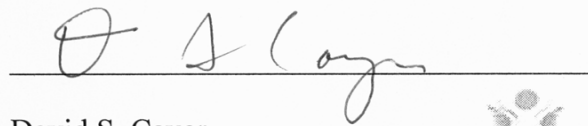
Pursuant to the authority of this Court to award fees and expenses to a prevailing party other than the United States incurred by that party in a civil action against the United States, including proceedings for judicial review of agency action under the Equal Access to Justice Act, 28 U.S.C. § 2412(d)(1)(A), and in light of this Court's June 15, 2011 Judgment and Order remanding this case to the Defendant Commissioner for further administrative proceedings under sentence four of 42 U.S.C. § 405(g),

IT IS HEREBY ORDERED that the United States Social Security Administration shall pay attorneys' fees in the amount of five thousand fifty-six dollars and eighty-eight cents (\$5,056.88) in full satisfaction of any and all attorneys' fee claims Plaintiff may have in this case under the Equal Access to Justice Act. Pursuant to the United States Supreme Court's ruling in Commissioner of Social Security v. Ratliff, 560 U.S. ----, 130 S.Ct. 2521 (2010), these attorneys' fees are payable to Plaintiff as the prevailing party, and are subject to offset through the Treasury Department's Offset Program to satisfy any pre-existing debt Plaintiff may owe to the government. If subsequent

to the entry of this Order, the Commissioner determines that Plaintiff owes no debt to the government that would subject this award of attorney's fees to offset, the Commissioner may honor the signed assignment of EAJA fees providing for payment of the subject fees to Plaintiff's counsel, rather than to Plaintiff. However, there is no evidence of a signed EAJA assignment in this case. Thus, the EAJA fees shall be paid directly to Plaintiff in the event she owes no debt to the government. Moreover, if the Commissioner discovers that Plaintiff owes the government any debt subject to offset, the Commissioner shall pay any attorneys' fees remaining after such offset to Plaintiff, rather than to counsel.

SO ORDERED.

Signed: October 4, 2011

A handwritten signature in cursive script, appearing to read "D S Cayer", is written over a horizontal line.

David S. Cayer
United States Magistrate Judge

